

JACK RUSSO (State Bar No. 96068)
TIM C. HALE (State Bar No. 114905)
JOHN KELLEY (State Bar No. 100714)
RUSSO & HALE LLP
401 Florence Street
Palo Alto, CA 94301
Telephone: (650) 327-9800
Facsimile: (650) 327-3737
Email: jrusso@computerlaw.com
thale@computerlaw.com
jkelley@computerlaw.com

Attorneys for defendants and counterclaimants
WESLEY MAYDER, ROMI MAYDER, SILICON
TEST SOLUTIONS LLC and SILICON TEST
SYSTEMS INC

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VERIGY US, INC., a Delaware Corporation,

Plaintiff,

v.

ROMI OMAR MAYDER, an individual;
WESLEY MAYDER, an individual; SILICON
TEST SYSTEMS, INC., a California
Corporation; and SILICON TEST
SOLUTIONS, LLC, a California Limited
Liability Corporation, inclusive,

Defendants.

AND RELATED CROSSCLAIMS.

Case No. 5:07-cv-04330-RMW (HRL)

**DECLARATION OF JACK RUSSO IN
SUPPORT OF MOTION FOR SUMMARY
ADJUDICATION AND MOTION TO
MODIFY PRELIMINARY INJUNCTION
ORDER**

Date: August 15, 2008

Time: 9:00 a.m.

Ctrm: 6

Before the Hon. Ronald Whyte

Complaint Filed: August 22, 2007
Trial Date: December 8, 2008 (jury trial)
(Defendants have elected to reserve their jury
trial rights under F.R.C.P., Rule 38)

CONTAINS MATERIAL DESIGNATED HIGHLY CONFIDENTIAL –ATTORNEYS’ EYES
ONLY BY VERIGY US, INC. UNDER STIPULATED PROTECTIVE ORDER
DOCUMENT SUBMITTED UNDER SEAL

1 I, Jack Russo, declare as follows:

2 1. I am a member in good standing of the State Bar of California, and am admitted to
3 practice before this Court and have been for over 25 years. I am the Managing Partner for the law
4 firm of Russo & Hale LLP, counsel for the defendants in this action. I serve as an arbitrator,
5 mediator, and neutral evaluator for this Court (and have done so for over 10 years) and I also serve
6 as an arbitrator, mediator and Judge Pro Temp for the Santa Clara Superior Court (and have also
7 done so for over 10 years.) The matters stated herein are true and correct of my personal
8 knowledge, unless stated on information and belief, which matters I believe to be true. I could and
9 would competently testify to the matters set forth herein if called as a witness.

10 2. Attached hereto as Exhibit 1 is a true and correct copy of the complaint filed by
11 Plaintiff Verigy US, Inc. ("Verigy") in this matter. Neither my firm nor I represented any of the
12 defendants in 2006 or in 2007; we first became counsel for defendant Wes Mayder earlier this year
13 and recently, we have become counsel for all of the defendants in this action.

14 3. Attached hereto as Exhibit 2 are a series of recent email exchanges (after me and
15 my firm became counsel for all the defendants in this action this year) between myself and counsel
16 for Verigy, Mindy Morton, Esq.

17 4. In these emails and in both phone conversations and at least one in-person meeting
18 that I had with counsel for Plaintiff, I was attempting to obtain Plaintiff's consent to allowing
19 defendants to get, see and read the entire TRO that the Court entered against them—something that
20 plaintiff and its counsel had prevented by claiming that parts of the TRO and attached exhibits
21 were for attorneys' eyes only under the Protective Order entered in this case. These actions by
22 plaintiff and its counsel deprived defendants of the opportunity to see, read, review and/or fully
23 understand what they were prohibited from doing.

24 5. Attached as Exhibit 3 is a true and correct copy of the Temporary Restraining Order
25 entered in this matter on August 24, 2007.

26
27 //

28 //

1 I declare under penalty of perjury under the laws of the State of California and the United
2 States of America that this Declaration is true and correct and was entered into on July 9, 2008 in
3 Palo Alto, California.

4 /s/ Jack Russo
5 Jack Russo